

alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by the Peter Fox Sons Co., Watertown, S. Dak.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On March 17, 1943, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation, under the supervision of the Food and Drug Administration, of the fit portion from the unfit portion and destruction of the latter.

**4887. Adulteration of chicken fat. U. S. v. 40 Tubs of Chicken Fat. Consent decree of condemnation. Product ordered released under bond for denaturing for use in the making of soap. (F. D. C. No. 8986. Sample No. 17624-F.)**

This product was decomposed and contained pieces of liver, sections of muscle, sections of intestines containing fecal material, and internal organs of fowls.

On December 10, 1942, the United States attorney for the Southern District of New York filed a libel against 40 tubs, each containing about 60 pounds, of raw chicken fat at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about November 18, 1942, by H. A. Whelan, Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On April 23, 1943, the E. M. Niles Co., Boston, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured so that it could not be used for food, but could be used as a base for soap.

**4888. Adulteration of chicken fat. U. S. v. 30 Tubs of Chicken Fat. Consent decree of condemnation. Product ordered released under bond for rendering into base for soap. (F. D. C. No. 8911. Sample No. 18867-F.)**

This product contained pieces of tissue other than fat, particles of liver, feathers, and sections of intestines containing fecal matter, and was undergoing decomposition.

On November 25, 1942, the United States attorney for the Southern District of New York filed a libel against 30 tubs, each containing about 65 pounds, of raw chicken fat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 9, 1942, by E. M. Niles & Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On April 23, 1943, E. M. Niles & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured so that it could not be used for food, but could be used as a base for soap.

**4889. Adulteration and misbranding of canned boneless chicken. U. S. v. 25 Cases of Canned Chicken. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9243. Sample No. 11040-F.)**

The drained weight of this product was 74.7 percent of the net weight of the entire contents, whereas the drained weight of canned chicken should be 90 percent of the net weight.

On January 26, 1943, the United States attorney for the Northern District of California filed a libel against 25 cases, each containing 30 cans, of chicken meat at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 19, 1942, by the Washington Poultry Products Co. from Redmond, Wash.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "White Rock Brand Boneless Chicken."

The article was alleged to be adulterated in that a substance, boneless chicken containing excessive broth, had been substituted wholly or in part for boneless chicken, which it purported to be.

It was alleged to be misbranded in that its container was so filled as to be misleading, since it did not contain the quantity of chicken meat to be expected, less than 90 percent of meat being present.

On February 26, 1943, the J. M. Springer Co. of San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

## GIFT PACKAGES OF FOOD

Nos. 4890 to 4899 detail actions involving gift packages of food. These packages were misbranded because of one or more of the following: Deceptive packaging, short weight, and inaccurate labeling.

**4890. Misbranding of gift packages of food. U. S. v. Albert Newberg (A. Newberg & Co.).** Plea of guilty. Fine, \$1,000 and 4 months in jail. (F. D. C. No. 8822. Sample Nos. 7760-F, 7934-F, 8855-F, 8858-F, 8860-F, 9027-F, 9570-F, 9760-F, 13252-F, 19539-F, 18692-F, 32697-F.)

On April 1, 1943, the United States attorney for the Eastern District of New York filed an information against Albert Newberg, an individual, trading and doing business as A. Newberg & Co. New York, N. Y., alleging shipment on or about November 20, 1942, from the State of New York into the State of Louisiana of a quantity of gift packages, each package containing a tray containing an assortment of food. Enclosed in each of said packages was a slip containing the following labeling: "Packed by A. Newberg & Co. Babylon, N. Y. Net Weight 1½ Lbs."

The article was alleged to be misbranded (1) in that the statement "Net Weight 1½ Lbs.," borne on the slip was false and misleading since the packages contained less than 1½ pounds of food; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (3) in that its containers were so filled as to be misleading, since the trays were enclosed in cellophane which permitted observation of the contents, and since there had been packed in the bottom of the trays a large amount of packing medium which was not visible, so that the trays contained a substantially smaller amount of food than their appearance indicated that they contained; and (4) in that the article consisted of an assortment of foods each of which was fabricated from two or more ingredients and the packages did not bear a label containing the common or usual name of each ingredient of the foods. The information contained 10 other counts involving shipments of gift packages into the States of Louisiana, Texas, Connecticut, Massachusetts, Ohio, Minnesota, and Washington; and charged that they were misbranded in a manner similar to the shipment of November 20, 1942, into Louisiana.

On April 29, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1,000 and sentenced him to serve 4 months in jail on the first count and ordered that the remaining 10 counts be dismissed.

**4891. Misbranding of gift packages of food. U. S. v. Mae K. Wind (R. Wind Co.).** Plea of guilty. Fine, \$1,000. (F. D. C. No. 8822. Sample Nos. 7760-F, 7934-F, 8855-F, 8858-F, 8860-F, 9027-F, 9570-F, 9760-F, 13252-F, 19539-F, 18692-F, 32697-F.)

On April 1, 1943, the United States attorney for the Eastern District of New York filed an information against Mae K. Wind, an individual, trading and doing business as R. Wind Co. at Babylon, Long Island, N. Y., alleging in count 1 shipment on or about November 20, 1942, from the State of New York into the State of Louisiana of a quantity of gift packages, each package containing a tray containing an assortment of food. Enclosed in each of said packages was a slip containing the following labeling: "Packed by A. Newberg & Co. Babylon, N. Y. Net Weight 1½ Lbs."

The article was alleged to be misbranded (1) in that the statement "Net Weight 1½ Lbs.," borne on the slip was false and misleading since the packages contained less than 1½ pounds of food; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (3) in that its containers were so filled as to be misleading since the trays, enclosed in cellophane which permitted observation of the contents, had been packed in the bottom with a large amount of packing medium which was not visible, so that they contained a substantially smaller amount of food than their appearance indicated that they contained; and (4) in that the article consisted of an assortment of foods, each of which was fabricated from two or more ingredients, and the packages did not bear a label containing the common or usual name of each ingredient of said foods. The information contained 10 other counts involving shipments of gift packages into the States of Texas, Louisiana, Connecticut, Massachusetts, Ohio, Minnesota, and Washington; and charging that they were misbranded in manner similar to the shipment of November 20, 1942, into Louisiana.

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